IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.592 OF 1998

The Commissioner of Income-tax ..Applicant.

V/s.

M/s.Mahindra Engg. & Chem ..Respondent.

Mr.A.S.Rao for applicant.

CORAM : V.C. DAGA AND J.P.DEVADHAR, JJ.

DATED : 28TH MARCH, 2005.

P.C. :-

1. Heard the learned counsel for the applicant. The Tribunal has referred question for the opinion of this Court reading as under :-

> " Whether, on the facts and in the circumstances of the case, the Tribunal was right in law in allowing Rs.53,980/- on account of initial contribution to superannuation fund even when 80% thereof was to be allowed in five equal instalments ? "

2. The above question has already been answered by the Apex Court in the case of **C.I.T. V/s. Sirpur Paper Mills [(1999) 237 I.T.R. 41 (S.C.)** in the affirmative i.e. in favour of the assessee and against the revenue. In this view of the matter, reference stands disposed of in terms of that Judgment with no order as to costs.

(V.C. DAGA, J.)

(J.P.DEVADHAR, J.)